

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

Brian A. Rosenthal
Direct: 1 212.351.2339
Fax: +1 212.817.9539
BRosenthal@gibsondunn.com

August 5, 2021

VIA ECF

Hon. J. Paul Oetken
United States District Judge
United States District Court for the Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: Lavvan, Inc. v. Amyris, Inc., No. 20-cv-07386 (JPO)

Dear Judge Oetken:

We are attorneys for Defendant Amyris, Inc. (“Amyris”) in the above-referenced action. Pursuant to Rules 1(A) and 3(C) of Your Honor’s Individual Rules and Practices in Civil Cases, we write to respectfully request a brief extension of Defendant’s deadline to answer the Complaint (Dkt. 2). On July 26, 2021, the Court issued its decision denying Defendant’s motion to compel arbitration, and in the alternative, to dismiss (“Opinion and Order”) (Dkt. 42). The next day, on July 27, 2021, Defendant filed a notice of interlocutory appeal (Dkt. 43).

Pursuant to the Court’s Opinion and Order, Defendant’s current deadline to answer the Complaint is on August 9, 2021. Defendant requests a two-week extension of this deadline, to August 23, 2021. This extension would not affect any other scheduled dates, as there is no currently operative scheduling order issued by this Court. This is the first request by Defendant for an extension of the deadline to answer. Plaintiff Lavvan has refused to agree to the request and has not provided any reason as for such refusal.

The extension is necessary to provide undersigned counsel adequate time to coordinate with our respective clients and to finish preparation of an answer to Plaintiffs’ lengthy Complaint, particularly in light of several previously scheduled family vacations and commitments between the date of the Opinion and Order and the currently scheduled time to respond to the Complaint. This unavailability could not have been anticipated in advance as these absences were planned long before the Court ruled on the motion to compel arbitration and to dismiss and set the present deadline.

GIBSON DUNN

The Honorable Brian A. Rosenthal
August 5, 2021
Page 2

Moreover, the delay will cause no prejudice to any party. The requested delay of two weeks is in itself de minimis. Finally, Defendant has an automatic right to interlocutory appeal of the Court's denial of its motion to compel arbitration which it has already exercised. Defendant anticipates filing a motion to stay this case pending appeal in due course. As a result, any prejudice from a two week delay is further mitigated.

Thank you for your consideration of this request.

Respectfully submitted,

By: /s/ Brian A. Rosenthal

Brian A. Rosenthal
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue
New York, New York 10166-0193
Tel.: 1 212.351.2339
Fax: +1 212.817.9539

Counsel for Defendant Amyris, Inc.